

HTS, TRLSET

**U.S. District Court
Middle District of Florida (Jacksonville)
CIVIL DOCKET FOR CASE #: 3:04-cv-00146-UA-HTS
Internal Use Only**

0 5 - 2 4 5

Sea Star Line, LLC v. Emerald Equipment
Assigned to: Judge Unassigned Judge
Referred to: Magistrate Judge Howard T. Snyder
Demand: \$0
Cause: 28:1333 Admiralty

Date Filed: 03/01/2004
Jury Demand: None
Nature of Suit: 120 Contract: Marine
Jurisdiction: Federal Question

Plaintiff

Sea Star Line, LLC
a limited liability company

represented by **Timothy Joseph Armstrong**
Armstrong & Mejer, P.A.
The Douglas Centre
2600 Douglas Rd., Suite 1111
Coral Gables, FL 33134
305/444-3355
Fax: 305/442-4300
Email: amesq@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Emerald Equipment Leasing, Inc.
a corporation

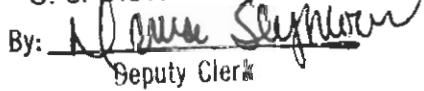
represented by **Joey E. Schlosberg**
Shutts & Bowen, LLP
201 S. Biscayne Blvd.
Suite 1500
Miami, FL 33131
305/358-6300
Fax: 305/381-9982
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael L. Gore
Shutts & Bowen LLP
300 S. Orange Ave., Suite 1000
P.O. Box 4956
Orlando, FL 32802-4956
407/423-3200
Fax: 407-849-7205
Email: mgore@shutts-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

CERTIFIED A TRUE COPY

SHERYL L. LOESCH, CLERK

U. S. DISTRICT COURT

By: 
Deputy Clerk

Counter Claimant

Emerald Equipment Leasing, Inc.
a corporation

V.

Counter Defendant

Sea Star Line, LLC
a limited liability company

| Date Filed | # | Docket Text |
|------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/01/2004 | 1 | COMPLAINT filed Filing fee \$ 150.00 Receipt # J014676 (jec) (Entered: 03/01/2004) |
| 03/01/2004 | | MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: Howard T. Snyder (jec) (Entered: 03/01/2004) |
| 03/01/2004 | | SUMMONS(ES) issued for Emerald Equipment . Consent(s) issued. (jec) (Entered: 03/01/2004) |
| 03/01/2004 | | FEES paid in the amount of \$ 150.00 Receipt # J014676 Balance due \$ (mfk) (Entered: 03/01/2004) |
| 03/04/2004 | 2 | NOTICE of designation under Local Rule 3.05 - TRACK 2. (ctc) (mfk) (Entered: 03/04/2004) |
| 04/05/2004 | 3 | RETURN of service executed as to Emerald Equipment on 3/19/04, through the Florida Secretary of State (mfk) (Entered: 04/06/2004) |
| 04/05/2004 | 4 | AFFIDAVIT of compliance pursuant to Fla. Stat. Ann. 48.161, 48:181 of Timothy J. Armstrong by Sea Star Line, LLC Re: [3-1] executed service (mfk) (Entered: 04/06/2004) |
| 04/14/2004 | 5 | UNOPPOSED MOTION with memorandum of law by Emerald Equipment to extend time to answer or otherwise plead referred to Magistrate Judge Howard T. Snyder (mfk) (Entered: 04/14/2004) |
| 04/15/2004 | 6 | ORDER granting [5-1] consent motion to extend time to answer or otherwise plead reset answer due for 4/28/04 for Emerald Equipment (Signed by Magistrate Judge Howard T. Snyder) ctc (mfk) (Entered: 04/15/2004) |
| 04/16/2004 | 7 | AMENDED MOTION with memorandum of law amending [5-1] motion to extend time to answer or otherwise plead (amended unopposed) by Emerald Equipment referred to Magistrate Judge Howard T. Snyder (mfk) (Entered: 04/16/2004) |
| 04/19/2004 | 8 | ORDER denying as moot [7-1] amended motion to extend time to answer or otherwise plead. (Signed by Magistrate Judge Howard T. Snyder) ctc (mfk) (Entered: 04/19/2004) |

| | | |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/28/2004 | <u>9</u> | MOTION with memorandum in support by Emerald Equipment to dismiss complaint for declaratory judgment and for damages , or alternatively to transfer venue , or abstain (jec) (Entered: 04/28/2004) |
| 05/13/2004 | <u>10</u> | MEMORANDUM by Sea Star Line, LLC in opposition to [9-1] motion to dismiss complaint for declaratory judgment and for damages, [9-2] motion to transfer venue, [9-3] motion or abstain (mfk) (Entered: 05/13/2004) |
| 06/02/2004 | <u>11</u> | NOTICE of filing order granting Defendant Sea Star Line, LLC'S Motion to dismiss, Stay or Abate Complaint of Plaintiff Emerald Equipment Leasing, Inc., by Sea Star Line, LLC (mfk) (Entered: 06/02/2004) |
| 06/07/2004 | <u>12</u> | DISCLOSURE Statement by Sea Star Line, LLC (mfk) (Entered: 06/07/2004) |
| 06/14/2004 | <u>13</u> | CASE MANAGEMENT REPORT (mfk) (Entered: 06/14/2004) |
| 06/16/2004 | <u>14</u> | AMENDED NOTICE by Sea Star Line, LLC of filing order granting defendant Sea Star Line, LLC's motion to dismiss, stay or abate complaint of plaintiff Emerald Equipment Leasing, Inc. (mfk) (Entered: 06/16/2004) |
| 06/17/2004 | <u>15</u> | CASE MANAGEMENT AND SCHEDULING ORDER setting expert witness disclosure deadline for 10/1/04; Discovery cutoff 11/1/04; dispositive motion filing deadline for 12/1/04; Pretrial conference for 11:45 on 4/29/05; a copy of the pretrial stipulation shall be provided directly to judge's chambers; Bench trial set for term commencing at 9:00 on 6/6/05; Scheduled for Judge Henry L. Adams Jr. (Signed by Judge Henry L. Adams Jr.) ctc (spw) (Entered: 06/17/2004) |
| 06/21/2004 | <u>16</u> | NOTICE of filing original signature pages by Sea Star Line, LLC (mfk) (Entered: 06/21/2004) |
| 06/25/2004 | <u>17</u> | REQUEST for oral argument by Emerald Equipment re: [9-1] motion to dismiss complaint for declaratory judgment and for damages (mfk) (Entered: 06/25/2004) |
| 07/06/2004 | <u>18</u> | DISCLOSURE STATEMENT by Emerald Equipment (mfk) (Entered: 07/07/2004) |
| 07/12/2004 | <u>19</u> | NOTICE of unavailability of counsel by Sea Star Line, LLC on 7/23/04 and 7/26/04, and from 08/11/04 to 08/16/04. (MFK) (Entered: 07/14/2004) |
| 08/04/2004 | | Motions no longer referred: 9 Motion to dismiss, Motion to transfer case, Motion to abstain (SMS) (Entered: 08/04/2004) |
| 09/30/2004 | <u>20</u> | MOTION to modify Case Management And Scheduling Order And For Extension Of Deadlines by Emerald Equipment Leasing, Inc.. (Gore, Michael) (Entered: 09/30/2004) |
| 10/08/2004 | <u>21</u> | MOTION for protective order <i>regarding noticed Rule 30(b)(6) Deposition of Defendant and all other Pending Depositions</i> by Emerald |

| | | |
|------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Equipment Leasing, Inc.. (Gore, Michael) (Entered: 10/08/2004) |
| 10/12/2004 | ②22 | ORDER re 21 MOTION for protective order regarding noticed Rule 30 (b)(6) Deposition of Defendant and all other Pending Depositions staying depositions pending final resolution of the motion. Signed by Judge Howard T. Snyder on 10/12/2004. (TK) (Entered: 10/12/2004) |
| 10/15/2004 | ②23 | RESPONSE to motion re 20 MOTION to modify Case Management And Scheduling Order And For Extension Of Deadlines filed by Sea Star Line, LLC. (Armstrong, Timothy) (Entered: 10/15/2004) |
| 10/15/2004 | | COPIES mailed to Counsel: Joey E. Schlosberg re 22 Order (DTS,) (Entered: 10/15/2004) |
| 10/20/2004 | ②24 | RESPONSE to motion re 21 MOTION for protective order <i>regarding noticed Rule 30(b)(6) Deposition of Defendant and all other Pending Depositions in this Case Pending Disposition of Dismissal Motion</i> filed by Sea Star Line, LLC. (Attachments: # 1 Exhibit Transcript)(Armstrong, Timothy) (Entered: 10/20/2004) |
| 10/22/2004 | ②25 | ORDER granting 20 Motion for Modification of Case Management and Scheduling Order and for Extension of Deadlines. The Case Management and Scheduling Order 15 is modified as follows: The expert witness disclosure deadline is 1/1/05; discovery cut-off deadline is 2/1/05, and the dispositive motion filing deadline is 3/1/05. The granting of this motion shall not be the basis for a continuance of the trial in this matter. Signed by Judge Henry Lee Adams Jr. on 10/22/2004. (MO) (Entered: 10/22/2004) |
| 10/22/2004 | | COPIES mailed to Counsel: Joey E. Schlosberg re 25 Order on motion to modify, (DTS,) (Entered: 10/26/2004) |
| 10/29/2004 | ②26 | ORDER granting in part and denying in part 21 Motion for protective order. Signed by Judge Howard T. Snyder on 10/29/2004. (Snyder, Howard) (Entered: 10/29/2004) |
| 11/02/2004 | | COPIES mailed to Counsel: Joey E. Schlosberg re 26 Order on motion for protective order (DTS,) (Entered: 11/02/2004) |
| 12/01/2004 | ②27 | MOTION for protective order <i>regarding deposition of third party witness</i> by Emerald Equipment Leasing, Inc.. (Gore, Michael) (Entered: 12/01/2004) |
| 12/01/2004 | ②28 | Minute Entry for proceedings held before Judge Howard T. Snyder : Telephone Hearing re: motion for protective order 27 held on 12/1/2004. (Court Reporter Winifred Beasley.) (CF) (Entered: 12/01/2004) |
| 12/01/2004 | ②29 | ORDER denying 27 Motion for protective order. Signed by Judge Howard T. Snyder on 12/1/2004. (Snyder, Howard) (Entered: 12/01/2004) |
| 12/01/2004 | | COPIES mailed to Counsel: Joey E. Schlosberg re 29 Order on motion for protective order (DTS) (Entered: 12/02/2004) |

| | | |
|------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/03/2004 | ③30 | NOTICE by Emerald Equipment Leasing, Inc. <i>to Court Pursuant to Local Rule 3.01(h)</i> (Gore, Michael) (Entered: 12/03/2004) |
| 12/06/2004 | ③31 | RESPONSE re 30 Notice (Other) by Sea Star Line, LLC. (Armstrong, Timothy) (Entered: 12/06/2004) |
| 12/22/2004 | ③32 | MOTION to appear pro hac vice by Michael L. Gore for Alan I. Moldoff, Gary M. Schildhorn and Mark Pfeiffer on behalf of Emerald Equipment Leasing, Inc.. (Gore, Michael) Modified on 12/23/2004 (DTS). (Entered: 12/22/2004) |
| 12/23/2004 | ③33 | ORDER granting 32 motion to appear pro hac vice and Alan I. Moldoff, Esquire, Gary M. Schildhorn, Esquire, and Mark Pfeiffer, Esquire, of the law firm of Adelman Lavine Gold and Levin, are permitted to appear pro hac vice on behalf of Defendant. Michael L. Gore, Esquire, of the law firm of Shutts & Bowen LLP, shall serve as local counsel. Signed by Judge Howard T. Snyder on 12/23/2004. (TK) (Entered: 12/23/2004) |
| 12/27/2004 | | COPIES mailed to Counsel: Joey E. Schlosberg re [33] Order on motion to appear pro hac vice. (SEG) (Entered: 12/27/2004) |
| 12/27/2004 | ③34 | PRO HAV VICE FEES paid for Gary Schildhorn, Alan I. Moldoff and Mark Pfeiffer (Filing fee \$30.00 receipt number J017745.) (JMAP) (Entered: 12/28/2004) |
| 12/29/2004 | ③35 | Unopposed MOTION for Extension of Time to Complete Discovery <i>and for Further Modification of Case Management and Scheduling Order</i> by Emerald Equipment Leasing, Inc.. (Gore, Michael) (Entered: 12/29/2004) |
| 01/03/2005 | | Motions no longer referred: 35 Unopposed MOTION for Extension of Time to Complete Discovery <i>and for Further Modification of Case Management and Scheduling Order</i> (Per chambers) (SMS) (Entered: 01/03/2005) |
| 01/26/2005 | ③36 | NOTICE by Emerald Equipment Leasing, Inc. <i>to the Court pursuant to Local Rule 3.01(h)(Second Notice)</i> (Gore, Michael) (Entered: 01/26/2005) |
| 03/01/2005 | ③37 | MOTION for partial summary judgment by Sea Star Line, LLC. (Armstrong, Timothy) (Entered: 03/01/2005) |
| 03/01/2005 | ③38 | MEMORANDUM in support re 37 Motion for partial summary judgment filed by Sea Star Line, LLC. (Armstrong, Timothy) (Entered: 03/01/2005) |
| 03/02/2005 | ③39 | APPENDIX re 37 MOTION for partial summary judgment by Sea Star Line, LLC (filed separately). (DTS) (Entered: 03/04/2005) |
| 03/09/2005 | ③40 | Unopposed MOTION for Extension of Time to File Response/Reply <i>to Plaintiff's Motion for Partial Summary Judgment</i> by Emerald Equipment Leasing, Inc.. (Gore, Michael) (Entered: 03/09/2005) |
| 03/09/2005 | | Motions no longer referred: 40 Unopposed MOTION for Extension of Time to File Response/Reply <i>to Plaintiff's Motion for Partial Summary</i> |

| | | |
|------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <i>Judgment (DTS) (Entered: 03/10/2005)</i> |
| 03/14/2005 | ④41 | ORDER granting <u>40</u> Motion for Extension of Time to File Response re <u>37</u> MOTION for partial summary judgment. Response due by 3/31/2005. Signed by Judge Henry Lee Adams Jr. on 3/14/2005. (MO) (Entered: 03/14/2005) |
| 03/14/2005 | | COPIES mailed to Counsel: Joey E. Schlosberg re <u>41</u> Order on Motion for Extension of Time to File Response/Reply (DTS) (Entered: 03/15/2005) |
| 03/31/2005 | ④42 | MEMORANDUM in opposition re <u>37</u> Motion for partial summary judgment filed by Emerald Equipment Leasing, Inc.. (Attachments: # <u>1</u> Affidavit # <u>2</u> Exhibit Bates Transcript ("A")# <u>3</u> Exhibit Rooks Transcript ("B")# <u>4</u> Exhibit Florence Transcript ("C"))(Gore, Michael) (Entered: 03/31/2005) |
| 04/19/2005 | ④43 | Unopposed MOTION to continue <i>/Defer Final Pre-Trial Conference until further Order of Court</i> by Emerald Equipment Leasing, Inc.. (Gore, Michael) (Entered: 04/19/2005) |
| 04/20/2005 | ④44 | ORDER granting <u>43</u> Motion to defer final pre-trial conference until further Order of the Court. The pre-trial conference currently scheduled for 4/29/05 at 11:45 a.m. is canceled. Signed by Judge Henry Lee Adams Jr. on 4/20/2005. (MO) (Entered: 04/20/2005) |
| 04/20/2005 | ④45 | ORDER granting in part <u>9</u> Motion to dismiss complaint for declaratory judgment and for damages, or alternatively to transfer venue, or abstain; This case is transferred to the United States District Court for the District of Delaware for potential referral to the United States Bankruptcy Court for the District of Delaware, mootng <u>35</u> Motion for Extension of Time to Complete Discovery and <u>37</u> Motion for Partial Summary Judgment. Signed by Judge Henry Lee Adams Jr. on 4/20/2005. (MO) (Entered: 04/20/2005) |
| 04/20/2005 | | COPIES mailed to Counsel: Joey E. Schlosberg re <u>44</u> Order on motion to continue, <u>45</u> Order on motion to dismiss, Order on motion to transfer case, Order on Motion for Miscellaneous Relief, Order on Motion for Extension of Time to Complete Discovery, Order on Motion for Partial Summary Judgment (DTS) (Entered: 04/21/2005) |
| 04/21/2005 | ④46 | <i>Emerald Equipment Leasing, Inc.</i> 's ANSWER to complaint , AFFIRMATIVE DEFENSES and, COUNTERCLAIM against Sea Star Line, LLC by Emerald Equipment Leasing, Inc..(Gore, Michael) (Entered: 04/21/2005) |